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NASA Policy Directive

NPD 2092.1A

Effective Date: February 11, 2003

Expiration Date: February 11, 2008

COMPLIANCE IS MANDATORY[Printable Format \(PDF\)](#)

Subject: Royalties and Other Payments Received by NASA from the Licensing or Assignment of Inventions

Responsible Office: Office of the General Counsel

1. Policy

It is NASA's policy to--

- a. Remit to employees making inventions, or individuals directly assigning their interest in inventions to the Government, a percentage of any royalties and other payments received by NASA on account of the inventions. The remainder of the royalties or other payments, after payment to the employees or other individuals, shall be made available to the NASA Center(s) where the inventions were made.
- b. Utilize the royalties or other payments remaining after payment to the persons specified in Section 1.a. for the following purposes: to pay expenses incidental to the administration and licensing of inventions; to further scientific exchange; to conduct scientific research and development consistent with missions of the Agency; to educate and train employees; or to make those royalties or other payments available to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications.
- c. Fully utilize the royalties and other payments generated from the licensing of inventions made by a contractor(s) or grantee(s) where the title to such inventions has been assigned to or otherwise vested in NASA (other than by individuals directly assigning their interest in an invention to the Government).

2. Applicability

- a. This Directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities.
- b. This Directive applies to any invention made in whole or in part by a NASA employee, an individual directly assigning his or her interest in an invention to the Government, or an employee of another Government agency where such invention is assigned to NASA.
- c. This Directive also applies to inventions made by an employee of another Government agency from which custody of the invention has been transferred to NASA, pursuant to 35 U.S.C. 207, unless otherwise agreed between NASA and the transferring agency.
- d. This Directive is also applicable to inventions made solely by a contractor(s) or grantee(s) where the title to such inventions has been assigned to or otherwise vested in NASA.
- e. This Directive is furthermore applicable to inventions made solely by a contractor(s) or grantee(s) of another Government agency from which custody of the invention has been transferred to NASA, pursuant to 35 U.S.C. 207, unless otherwise agreed between NASA and the transferring agency.
- f. The term "royalties and other payments" means any money, including licensing or assignment fees, received by NASA on account of an invention.

3. Authority

15 U.S.C. 3710c.

4. References

- a. 35 U.S.C. 207.
- b. NPD 2091.1, Inventions Made by Government Employees.
- c. NPR 2092.1, Distribution of Royalties and Other Payments Received by NASA from the Licensing of Patents and Patent Applications.

5. Responsibility

- a. Officials-in-Charge of Headquarters Offices are responsible for overall management of this policy.
- b. The NASA General Counsel, or designee, the Associate General Counsel (Intellectual Property), is responsible for ensuring that all royalties and other payments received on account of the inventions are forwarded, along with the designation of the NASA Centers where the inventions were made and the identities of the inventors or coinventors entitled to receive royalty payments, to the Financial Management Division, Office of the NASA Chief Financial Officer (CFO)/Comptroller, for distribution.
- c. The NASA Chief Financial Officer (CFO)/Comptroller, is responsible for the following:
 - (1) Establishing and maintaining a system for the accounting and distribution of royalties and other payments.
 - (2) Notifying the Center Directors and, for Headquarters, the Associate Administrator for Headquarters Operations, of the amount of royalties and other payments available for distribution to the Centers after the end of each fiscal year in which royalties or other payments are received, and informing the Office of the General Counsel of the distribution.
- d. Center Directors are responsible for the following:
 - (1) Ensuring that all royalties and other payments available for distribution to their Centers are used and obligated.
 - (2) Keeping the Institutional Associate Administrators informed.
- e. Each inventor is responsible for keeping NASA apprised of his or her current address.

6. Delegation of Authority

None.

7. Measurements

None.

8. Cancellation

NPD 2092.1, dated September 16, 1997.

/s/ Sean O'Keefe
Administrator

Attachment A: (Text)

None.

(URL for Graphic)

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